

Message Text

CONFIDENTIAL

PAGE 01 OTTAWA 00994 102234Z

15

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /055 W

----- 078351

R 102148Z MAR 76

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 9088

C O N F I D E N T I A L OTTAWA 00994

E.O. 11652: GDS

TAGS: PINT, PGOV, CA

SUBJ: CHARGES OF LIBERAL MINISTERS INTERFERING IN COURT CASES

1. SUMMARY: ACCUSATIONS BY QUEBEC JUDGE AGAINST THREE LIBERAL MINISTERS (LALONDE, CHRETIEN, AND DRURY) FOR INTERCEDING IN COURT CASES HAS COMMONS OPPOSITION HOWLING ABOUT UNETHICAL CONDUCT. SPECIFIC CHARGES STRIKE EMBASSY AS RATHER THIN REVEALING NO MORE THAN VERY POOR JUDGMENT. BUT JUDICIAL INQUIRY UNDERWAY COULD REVEAL SOME UNETHICAL CONDUCT.

IN OUR VIEW, HOWEVER, MOST SIGNIFICANT IS POSSIBILITY THAT DISENCHANTMENT WITHIN CANADIAN ELECTORATE WITH LIBERAL GOVERNMENT MAY GROW AS RESULT THESE INSTANCES OF LIBERALS OPERATING ON ETHICAL STANDARDS OF THEIR OWN MAKING. END SUMMARY.

2. RECENT REVELATIONS FROM FEB 20 LETTER OF QUEBEC SUPERIOR COURT JUDGE KENNETH MACKAY TO JUSTICE MIN BASFORD HAVE KICKED OFF COMPLEX PARLIAMENTARY HULABALOO OVER ALLEGED LIBERAL GOVERNMENT INTERFERENCE IN JUDICIAL PROCESS. MACKAY LETTER CHARGED THAT THREE LIBERAL MINISTERS (LALONDE, CHRETIEN AND DRURY) HAD INTERCEDED WITH JUDGES IN THREE UNRELATED CASES AND SUCH CONSTITUTED "UNWARRANTED" ATTEMPTS TO INTERFERE WITH THE JUDICIAL PROCESS." MARCH 3 TORONTO GLOBE AND MAIL GAVE ITEM SPLASHY FRONT-PAGE HEADLINE HIGHLY UNUSUAL FOR THAT GENERALLY STAID PAPER.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 OTTAWA 00994 102234Z

3. SINCE STORY FIRST BROKE, WEB HAS BECOME EVER MORE TANGLED

ALTHOUGH IT INCREASINGLY CLEAR THAT ETHICS AT MOST INVOLVED WITHOUT ANY HINT OF PAYOFFS OR SIMILAR SHADY DEALINGS OR EVEN INSTANCE OF MINISTERIAL INTERVENTION HAVING AFFECTED OUTCOME OF JUDICIAL PROCESS. MACKAY HAS RETRACTED ALLEGATIONS AGAINST CHRETIEN.

LALONDE HAS ADMITTED SEEING JUDGE (WHO HAPPENED TO BE MACKAY) BUT DENIES ANY ATTEMPT TO USE IMPROPER INFLUENCE. CASE INVOLVED PROSECUTION OF 10 TRINIDAD NATIONALS FOR UNIVERSITY RIOT. LALONDE CLAIMS INTERCESSION MERELY TO LEARN OF LIKELY TIMING OF VERDICT SINCE TRINIDAD GOV. WORRIED OVER POSSIBLE DOMESTIC REPERCUSSIONS. MACKAY CLAIMS LALONDE ATTEMPTED TO DELAY VERDICT. WHATEVER THE CASE, THIS ASPECT RECEIVING RELATIVELY LITTLE ATTENTION FROM PARLIAMENTARY OPPOSITION, WHICH CONCENTRATING ON DRURY CHARGES.

4. MIN PUBLIC WORKS DRURY ALLEGEDLY ATTEMPTED TO INFLUENCE CONTEMPT OF COURT PROCEEDINGS AGAINST CONSUMER AND CORPORATE AFFAIRS MIN ANDRE OUELLET. OUELLET WAS CONVICTED BY LOWER COURT ON JAN 24 FOR CONTEMPT ARISING OUT OF HIS INTEMPERATE REMARKS AFTER JUDGE MACKAY ACQUITTED THREE SUGAR COMPANIES OF PRICE FIXING. OUELLET APPEALED CONVICTION AND THIS WAS STAGE IN WHICH DRURY SUPPOSEDLY TRIED TO INFLUENCE JUDGE. DRURY HAS ADMITTED CALLING THE JUDGE HEARING THE APPEAL BUT HAS DENIED ANY ATTEMPT TO INFLUENCE OUTCOME. DRURY REFUSES TO ELABORATE ON GROUNDS THAT CASE IS STILL BEFORE THE COURT. HIS SILENCE, OF COURSE, HAS MERELY SERVED TO WHET APPETITE OF OPPOSITION WHICH DAILY HAS BEEN POUNDING GOVERNMENT HARD IN QUESTION PERIOD PRESSING FOR FORMAL INQUIRY. LIBERAL GOVERNMENT HAS RESISTED INQUIRY REQUESTS AND HAS ATTEMPTED TO RELIEVE SOME PRESSURE BY REQUESTING QUEBEC SUPERIOR COURT CHIEF JUSTICE TO INVESTIGATE AND REPORT ON ALL OF MACKAY'S CHARGES. BUT EVEN THIS HAS NOT BEEN WITHOUT CONTROVERSY SINCE TRUDEAU HAS REFUSED TO COMMIT HIMSELF TO MAKING REPORT PUBLIC.

5. COMMENT: MATTER STRIKES EMBASSY AS SIGNIFICANT NOT SO MUCH FOR PARTICULAR CHARGES OF ETHICAL WRONG-DOING AS FOR POSSIBLE AFFECTS OF PUBLIC REVELATION OF WAY IN WHICH LIBERAL GOVERNMENT HAS BECOME ACCUSTOMED TO DOING BUSINESS.
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OTTAWA 00994 102234Z

SPECIFIC CHARGES SUFFER FROM FACT THAT JUDGE MACKAY HAD HAD EARLIER, UNRELATED HASSLE WITH JUSTICE MIN BASFORD AND HE THEREFORE SUSPECT OF AT LEAST SOME PERSONAL MOTIVATION. RETRACTION VIS A VIS CHRETIEN CHARGES HAS FURTHER DAMAGED MACKAY CREDIBILITY. FINALLY, IT IS EMBASSY HUNCH THAT EVEN DRURY MATTER UNLIKELY TO RESULT IN MUCH MORE THAN SLAP ON DRURY WRIST. THIS BECAUSE OF DRURY'S REPUTATION FOR IMPECCABLE HONESTY AND CAUTIOUS GOOD

JUDGMENT. ADDED FACTOR, OF COURSE, IS THE TRADITIONAL
LIBERAL SKILL IN GATHERING WAGONS IN A CIRCLE UNTIL ATTACKS
CEASE TO INTEREST PUBLIC. WHATEVER THE OUTCOME IN SHORT-RUN,
HOWEVER, LIBERALS COULD BE HURT IN LONG-TERM. MORE PERCEPTIVE
COMMENTATORS HAVE ALREADY POINTED OUT THAT, TECHNICALLY UN-
ETHICAL OR NOT, GOVERNMENT MINISTERS CALLING JUDGES IS
SIMPLY IMPROPER. FACT THAT MINISTERS NOT DETERRED BY THE IM-
PROPRIETY INVOLVED DEMONSTRATES LIBERAL ARROGANCE AND THEIR
CONSEQUENT DISREGARD OF INHERENT RESTRAINTS ON EXECUTIVE
BRANCH AFTER SO MANY YEARS IN POWER. THIS IS THE MESSAGE
WHICH SOME OF ELECTORATE MAY PICK UP AND IT COULD ADD TO
TROWING PUBLIC DISENCHANTMENT WITH LIBERALS.
ENDERS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CORRUPTION, COURTS, ALLEGATIONS, POLITICAL PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 10 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976OTTAWA00994
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760091-0976
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760376/aaaacoma.tel
Line Count: 128
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2004 by CunninFX>; APPROVED <02 AUG 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHARGES OF LIBERAL MINISTERS INTERFERING IN COURT CASES
TAGS: PINT, PGOV, CA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006